

REMARKS

Claims 1, 2, 5-9, 12-19, and 24-32 were pending at the time of the Office Action. Claims 15, 16, 24, and 25 are cancelled in this response without prejudice. Claims 8 and 12 are amended. No new matter is added. Claims 1, 2, 5-9, 12-14, 17-19, and 26-32 are pending at this time. Claims 1, 5, 8, 12, and 18 are independent claims. Reconsideration and allowance of the above-referenced application are respectfully requested.

Claim Objections

Claims 8 and 12 are objected to. The amendments to the claims obviate these objections. Accordingly, Applicants respectfully request that the objections to claims 8 and 12 be withdrawn.

35 USC 112

Claims 6 and 13 stand rejected under 35 USC 112, 1st paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully traverse the rejection. The Office Action states:

The claims(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The step of transmitting the message from the second switching device to a third switching device was not described in the specification. (Emphasis added).

See, Office Action, page 2, 4th paragraph.

Thus, the Office contends that the transmitting the message from the second switching device to the third switching device was not described in the Specification. This contention cannot be supported.

Claim 6 describes transmitting a message from the second switching device to a third switching device. The feature described in claim 6 is fully supported by the Specification. In this regard, the Specification recites:

To provide a message to each switching ASIC in the system 116, a switching ASIC that includes a congested port directs a message to each switching ASIC in the system. In other arrangements, the switching ASIC inflicted with one or more congested ports sends one or a limited number of messages to nearby switching ASICs that are then forwarded to the other the switching ASICs in the system 116 so that each switching ASIC can track the congestion present in the system 116. (Emphasis added).

See, Specification, page 17, line 19 - page 18, line 2.

Thus, the Specification describes that a switching device can send a message to another switching device, which, in turn, can forward the message to other switching devices. Therefore, the Specification fully describes the feature "transmitting the message from the second switching device to a third switching device" recited in claim 6.

Accordingly, Applicants respectfully request that the rejection of claim 6 under 35 USC 112, 1st paragraph, be withdrawn. Further, Applicants respectfully request that the rejection of claim 13 under 35 USC 112, 1st paragraph, be withdrawn for reasons similar to claim 6.

Claims 15 and 24 stand rejected under 35 USC 112, 1st paragraph, as being based on a single means claim. The cancellation of claims 15 and 24 obviate the rejections of these claims.

35 USC 102(e) & 35 USC 103(a)

Claims 1, 2, 5, 7-9, 12-16, 18-19, 24-25, 27-32 stand rejected under 35 USC 102(e) as allegedly being anticipated by Chen et al. (US 2004/0174890), hereinafter "Chen." Claims 6 and

13 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Chen in view of Joung et al. (US 6,628,613), hereinafter "Joung."

Claim 1 describes a method that includes receiving a plurality of packets at a plurality of first locations in a first switching device. The first switching device is operatively coupled to a second switching device. The first switching device transmits the plurality of packets to a plurality of second locations in the second switching device. Each second location in the second switching device is configured to receive packets from one or more first locations and other second locations. Further, the method includes receiving a message for regulating packet flow on the first switching device from the second switching device. The message identifies a congested second location in the second switching device. Furthermore, the method includes slowing packet transmission from the first switching device to the second switching device in response to receiving the message.

Chen does not describe all the features of claim 1. Chen describes a first network switch chip cascaded with a second network switch chip. Each of the network switch chip comprises a high-speed network port and a plurality of connection ports. The two network switch chips are connected through the two high-speed network ports to form a direct link therebetween and the network switch provides a transmission rate equal to the sum of transmission rates of the first connection ports and the second connection ports. The two network switch chips can update an operation status for each other through the direct link. In this manner, the first network switch chip and the second network switch can manage data exchange therebetween. Each of the network switch chips has a lookup table therein and the

network switch chips can update the lookup table for each other. See, e.g., Chen at Abstract.

Chen does not describe each second location in the second switching device is configured to receive packets from one or more first locations and other second locations, as claimed. In this regard, Chen states: The portion of Chen cited by the Office recites:

Therefore, the first network switch chip 12 and the second network switch chip 14 are directly connected through the connection of the first high-speed network port 16 and the second high-speed network port 18 and share operation status to each other. Moreover, the data coming from the first connection ports 15 of the first network switch chip 12 can be output through the second connection ports 17 of the second network switch chip 14, and vice versa. (Emphasis added).

See, Chen, [0013].

Thus, Chen describes that data coming from the first connection ports of the first network switch chip can be output through the second connection ports of the second network switch chip, and vice versa. Chen does not describe or suggest that a first connection port can receive data from other first connection ports or that a second connection port can receive data from other second connection ports. In contrast, claim 1 recites, in part, "each second location configured to receive packets from one or more first locations and other second locations." Because Chen does not teach this feature of claim 1, Chen does not describe or suggest all the features of claim 1. Therefore, a *prima facie* case of obviousness is not established.

Accordingly, claim 1 and all claims dependent therefrom are patentable. Independent claims 5, 8, 12, and 18, and all claims dependent from each of these independent claims are also

patentable at least for reasons similar to claim 1, and for the additional recitations that they contain.

Applicants respectfully submit that the Office has not provided any reason or cited any portion of Chen in support the rejections of the dependent claims, in compliance with 35 USC 132. For example, claim 28 recites, "wherein a packet for packet transmission to a destination second location is queued at a sending first location," and claim 29 recites "in response to receiving the message, slowing transmission of the packet from the first location, upon determining that the destination second location is the congested second location." The Office does not cite any portion of Chen in support of the rejections of claims 28 and 29. Regardless, Chen does not describe the features recited in claims 28 and 29. Accordingly, claims 28 and 29 are patentable.

Further, claim 6 recites "transmitting the message from the second switching device to a third switching device." As discussed previously, Chen does not describe all the features of claim 1. Joung does not rectify the deficiencies of Cheng. In this regard, Joung describes a flow control method in an Ethernet switching being a downstream device using a full duplex mode in a packet switched network of the type having a plurality of input ports connected to a plurality of Ethernet switches being upstream devices and a common memory for storing packet data received from each input port and for transmitting packet data read from the common memory to a destination upstream device. In such flow control method, the buffer state of the common memory is first determined. If the buffer state is buffer-full, a pause frame including a predetermined pause time is transmitted to the plurality of Ethernet switches being upstream devices and an expected pause time of the upstream devices is counted. The buffer state of the common memory is

determined again if the expected pause time expires. If the buffer state is buffer-full, the pause frame including the predetermined pause time is re-transmitted to the plurality of Ethernet switches being upstream devices and the expected pause time of the upstream devices is initiated. See, e.g., Joung at Abstract.

Chen does not describe that each second location in the second switching device is configured to receive packets from one or more first locations and other second locations, as claimed. At least for this reason, Chen does not describe all the features of claim 5. Joung teaches determining if the buffer state of a common memory is buffer-full, and if so, transmitting a pause frame to a plurality of Ethernet switches. Thus, Joung does not describe or suggest "each second location configured to receive packets from one or more first locations and other second locations," as claimed. Because neither Chen nor Joung, taken alone or in combination, teach all the features of claim 5, and because claim 6 depends from claim 5, the suggested combination of Chen and Joung does not teach all the features of claim 6.

Accordingly, claim 6 is patentable. Claim 13 is patentable at least for reasons similar to claim 6. Applicants respectfully request that the rejections under 35 USC 102(e) and 35 USC 103(a) be withdrawn.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the remarks made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or

other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Please apply a 1-month extension of time fee and any credits or charges to deposit account 06-1050.

Respectfully submitted,

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